

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 53 Student Assessment Program for Public Schools
SPONSOR(S): Education Appropriations Subcommittee, K-12 Subcommittee; Diaz, Jr. and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 478

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	13 Y, 0 N, As CS	Beagle	Ahearn
2) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
3) Education Committee	16 Y, 0 N	Beagle	Mizereck

SUMMARY ANALYSIS

Beginning with the 2014-15 school year, each school district must adopt a rigorous student assessment for each subject and grade level not tested by statewide assessments. Such assessments must be used to measure student learning gains and mastery of course content and to evaluate the performance of classroom teachers of these courses.

In addition, Florida law requires each district school board to periodically assess student performance based upon the content established in the Next Generation Sunshine State Standards and local goals that are consistent with the state plan for education and that supplement the knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

The law does not specifically require school districts to establish schedules for administering district assessments.

The bill requires each school district to establish schedules for administering district assessments. These schedules must be approved by the district school board as an agenda item at a board meeting. The schedules must be published on the school district website in a manner that clearly identifies each applicable district assessment and reported to the Department of Education annually by October 1.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School District Assessments

In addition to participation in the statewide assessment program,¹ Florida law requires each district school board to periodically assess student performance based upon the content established in the Next Generation Sunshine State Standards and local goals that are consistent with the state plan for education and that supplement the knowledge and skills necessary for successful grade-to-grade progression and high school graduation.²

In August 2010, Florida was one of 11 states and the District of Columbia awarded federal Race to the Top grant funds.³ Florida received \$700 million to implement various education reforms, including reforms to instructional personnel⁴ and school administrator⁵ performance evaluations.⁶ Sixty-two of 67 school districts, 209 charter schools in 27 of the participating districts, and three university lab schools are participating in Race to the Top.⁷ Fifty local teachers unions agreed to collaborate with their school districts in implementing these reforms.⁸ The Legislature enacted the Student Success Act in May 2011, which, among other things, codified Florida's Race to the Top performance evaluation reforms into state law.⁹

Among other things, the Student Success Act required at least 50 percent of each instructional personnel's and school administrator's performance evaluation to be based upon student performance. Student learning growth, with certain exceptions,¹⁰ is the primary measure of student performance used to evaluate these employees. Learning growth must be measured by statewide assessments and, for

¹ The statewide assessment program for public schools includes the Florida Comprehensive Assessment Test 2.0 (FCAT) and statewide standardized end-of-course (EOC) assessments. FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10). EOC assessments for high school students include Algebra I, Biology I, geometry, and U.S. History. Beginning in the 2012-13 school year, middle school students will take an EOC assessment in Civics as a field test. Beginning in the 2014-15 school year, students must pass the EOC assessment to be promoted from the middle grades. Section 1008.22(3)(c)2.b., F.S.

² Section 1008.22(5), F.S.

³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009); Press Release, U.S. Department of Education, *Nine States and the District of Columbia Win Second Round Race to the Top Grants* (Aug. 24, 2010), <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants> (last visited Feb. 5, 2013).

⁴ Instructional personnel include classroom teachers; student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

⁵ Section 1012.34(1)(a), F.S. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

⁶ U.S. Department of Education, *Race to the Top Funding Status*, <http://www2.ed.gov/programs/racetothetop/funding.html> (last visited Feb. 5, 2013); Florida Department of Education, *Florida's Race to the Top: hearing before the House Education Comm.* (Jan. 13, 2011).

⁷ Participating lab schools are the Florida Atlantic University, Florida A & M University, and University of Florida lab schools. The Baker, Dixie, Hamilton, Palm Beach, and Suwannee County school districts are not participating in the grant. Email, Florida Department of Education, Legislative Affairs Director (Nov. 16, 2012).

⁸ Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding: hearing before the House K-20 Competitiveness Subcomm.* (Feb. 23, 2011).

⁹ Section 2, ch. 2011-1, L.O.F., codified at s. 1012.34, F.S. (2011); see Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), available at <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

¹⁰ For school district assessments, districts may request DOE-approval to use a student achievement measure, a combination of learning growth and achievement, or a combination of learning growth on the district assessment and on FCAT reading or mathematics (as long as learning growth on the school district assessment is given greater weight). Section 1012.34(7)(c)-(d), F.S.

subjects and grade levels not tested by statewide assessments, school district assessments.¹¹ Student learning growth formulas tied to these assessments must be used to determine the amount of learning growth a student makes in the year he or she is assigned to the instructional personnel or school administrator.¹²

The Student Success Act also required each school district to adopt rigorous student assessments for subjects and grade levels not tested by statewide assessments, which must be implemented no later than the 2014-15 school year. School districts may use nationally recognized standardized assessments, industry certification examinations, and district-developed assessments.¹³ The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance.¹⁴ Accordingly, the Department of Education (DOE) has provided technical assistance and used Race to the Top funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.¹⁵

School district assessments must be used to evaluate classroom teachers of subjects and grade levels not tested by statewide assessments and to measure student learning gains and mastery of course content.¹⁶ The law does not specifically require school districts to establish schedules for administering district assessments and reporting.¹⁷

Effect of Proposed Changes

The bill requires each school district to establish schedules for administering district assessments. These schedules must be approved by the district school board as an agenda item at a board meeting. The schedules must be published on the school district website in a manner that clearly identifies each applicable district assessment and reported to DOE annually by October 1. This will provide parents and students more information regarding school district testing requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.22(8), F.S., relating to school district assessments; requires each district school board to establish schedules for test administration; provides requirements for adoption and publication of schedules.

Section 2. Provides that the bill takes effect July 1, 2013.

¹¹ Sections 1012.34(3)(a)1. and 1008.22(8), F.S.

¹² Section 1012.34(7)(a)-(b), F.S.

¹³ Sections 1008.22(8) and 1012.34(7)(b), F.S. For courses tested on statewide assessments, this requirement is met by the district's participation in the statewide assessment program. *See* s. 1008.22(8)(b), F.S.

¹⁴ Section 1008.22(8)(c), F.S.

¹⁵ Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*, <http://www.fldoe.org/arra/procurements.asp> (last visited Feb. 5, 2013). DOE awarded Race to the Top grants to fund seven projects by four Florida school districts to develop assessments for hard-to-measure courses. These projects include assessments of Physical Education and Health Education, Grades K – 8: Miami-Dade County; Physical Education and Health Education, Grades 9 – 12: Hillsborough County; Performing Arts: Chorus and Drama: Polk County; Performing Arts: Band and Instrumental: Polk County; Visual Arts: Miami-Dade County; World Languages (other than Spanish): Duval County; and Career and Technical Education-Hillsborough County. Florida Department of Education, *Race to the Top Assessments Information Sheet*, at 1 (June 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/InfoSheet-RTTT.pdf>. Field testing of these assessments will begin in Spring 2013-14. Florida Department of Education, *Race to the Top Assessments Timeline* (Aug. 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/Timeline-RTTT.pdf>.

¹⁶ Sections 1008.22(8)(a)-(b) and 1012.34(3)(a)1., F.S.

¹⁷ *See* s. 1008.22(8), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2013, the K-12 Subcommittee adopted one amendment and reported HB 53 favorably as a committee substitute. The committee substitute adds a requirement that school districts report their testing and student results reporting schedules to the DOE.

On March 5, 2013, the House Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes a requirement that school boards adopt schedules for reporting test results and specifies an October 1 annual deadline for reporting test administration schedules to DOE.